

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JERRY VANDIVER #141306,

Plaintiff,

Case No. 2:05-CV-72835

vs.

HONORABLE GERALD E. ROSEN

HONORABLE STEVEN D. PEPE

CMS, CFA, JAN EPP, ET AL.,

Defendants.

_____/

ORDER DENYING PLAINTIFF'S MOTIONS FOR PERSONAL SERVICE (DKT. #18, 20, AND 22)
AND GRANTING OTHER RELIEF

Plaintiff filed his motion requesting that the United States Marshal be ordered to serve certain defendants personally after their waivers of service came back unexecuted from the addresses Plaintiff provided for service. The undersigned will not order the Marshalls to serve the defendants personally at this time and alternatively orders as follows.

The Court has done some investigation and found that the waiver of service for Correctional Medical Services, Inc. (CMS) was likely returned unexecuted because Plaintiff provided an incorrect address. Therefore, the summons will be reissued and the Marshalls are ordered to serve CMS at: 3496 Lake Lansing Road, Suite 100, East Lansing, MI 48823.

The waivers of service were returned unexecuted for Jan Epps, Susan DeBruyn, Denise Freed Daniels and Hazel Austin without explanation, but it appears that the individuals may no longer be employed at the facility at which Plaintiff attempted to serve them, or were not employed

directly by the facility so as to allow the facility to accept service on their behalf. This may also be the case for defendant "Nurse King," but the incomplete name may have also contributed to the inability to complete service. Therefore, IT IS ORDERED that the Michigan Attorney General's office, the attorney of record for Defendant Correctional Facilities Administration, contact the litigation coordinator at the applicable prison facility to determine if the above-named defendant(s) will be represented by its office in this matter, and respond on or before October 3, 2005, to inform the Court whether it will accept service and appear on behalf of these named defendants.

For any defendant who will not be represented by the Michigan Attorney General's office, IT IS ORDERED that the last known address of such defendant shall be submitted to the Court under seal within 14 days of service of this Order, so that service can be made by the United States Marshal's Service. The document containing the defendant's last known address shall remain under seal and shall not be incorporated into the record of this case. Further, any service or return of service documents shall not list the address at which the defendant is served or at which service was attempted. And, copies of the sealed document or service documents shall not be forwarded to Plaintiff.

The summons in this matter will be extended to December 20, 2005, to allow Plaintiff an opportunity to effect service.

SO ORDERED.

Dated: September 16, 2005
Ann Arbor, Michigan

s/Steven D. Pepe
United States Magistrate Judge

Certificate of Service

I hereby certify that copies of this Order were served upon the parties of record by electronic means or U. S. Mail on September 16, 2005.

s/William J. Barkholz
Courtroom Deputy Clerk